

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

MICHAEL D. BELL, SR.,

Plaintiff,

v.

VIRGINIA HEALTH, et al.

Defendants.

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No. 2:22-CV-45 RLW

MEMORANDUM AND ORDER

This matter is before the Court upon review of plaintiff Michael D. Bell, Sr.’s complaint. Plaintiff, an inmate at Northeast Correctional Center (NECC) brings this action pursuant to 42 U.S.C. § 1983 asserting claims relating to his mental health care. However, plaintiff’s allegations are difficult to discern, and his complaint is not on a Court-provided form, as required by the Local Rules. Additionally, plaintiff has failed to pay the \$402 filing fee or file a motion to proceed in forma pauperis, along with a certified prison account statement. Accordingly, plaintiff will be required to amend his complaint on a Court form and either pay the filing fee or file a motion to proceed in forma pauperis and provide a prison account statement. Plaintiff will have twenty-one (21) days to comply with the Court’s requirements or his lawsuit will be dismissed, without prejudice.

Discussion

Plaintiff’s complaint must be filed on a Court form in compliance with this Court’s Local Rules. *See* E.D. Mo. Local Rule 2.06(A). In the “Caption” section of the complaint form, plaintiff should write each defendant’s name or names. *See* Fed. R. Civ. P. 10(a) (“The title of the complaint must name all the parties”). Plaintiff should specify whether he is suing each defendant in an

official capacity, individual capacity, or both. Plaintiff must avoid naming anyone as a defendant unless that person or entity is directly related to his claim.¹

In the “Statement of Claim” section, plaintiff should begin by writing the defendant’s name. In separate, numbered paragraphs under that name, plaintiff should set forth a short and plain statement of the facts that support his claim or claims against that defendant. *See* Fed. R. Civ. P. 8(a). Each averment must be simple, concise, and direct. *See id.* Plaintiff must state each claim in numbered paragraphs, and each paragraph should be “limited as far as practicable to a single set of circumstances.” *See* Fed. R. Civ. P. 10(b). If plaintiff names a single defendant, he may set forth as many claims as he has against that defendant. *See* Fed. R. Civ. P. 18(a). If plaintiff names more than one defendant, he should only include claims that arise out of the same transaction or occurrence, or simply put, claims that are related to each other. *See* Fed. R. Civ. P. 20(a)(2).

It is important that plaintiff allege facts explaining how each defendant was personally involved in or directly responsible for causing harm. *See Madewell v. Roberts*, 909 F.2d 1203, 1208 (8th Cir. 1990). Plaintiff must explain the role of the defendant, so that the defendant will have notice of what he or she is accused of doing or failing to do. *See Topchian v. JPMorgan Chase Bank, N.A.*, 760 F.3d 843, 848 (8th Cir. 2014) (stating that the essential function of a complaint “is to give the opposing party fair notice of the nature and basis or grounds for a claim.”). The Court emphasizes that the “Statement of Claim” requires more than “labels and conclusions or a formulaic recitation of the elements of a cause of action.” *See Neubauer v. FedEx Corp.*, 849 F.3d 400, 404 (8th Cir. 2017).

Plaintiff is also required to file a motion to proceed in forma pauperis within twenty-one (21) days of the date of this Memorandum and Order, or pay the full \$402 filing fee in this action.

¹Currently there are two entities named as defendants in this action: Virginia Health and Centurion, LLC. Plaintiff has failed to allege how either of these entities has harmed him, however.

If plaintiff fails to file a complaint on the Court's form within twenty-one (21) days or file a motion to proceed in forma pauperis or pay the filing fee, the Court will dismiss this action without prejudice and without further notice.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall provide plaintiff a blank Prisoner Civil Rights Complaint form and Motion to Proceed in Forma Pauperis – Prisoner Cases form.

IT IS FURTHER ORDERED that, by **August 30, 2022**, plaintiff shall file a complaint on the Court-provided form and in compliance with the Court's instructions. Plaintiff should take care to ensure that his writing is legible on his amended complaint.

IT IS FURTHER ORDERED that, by **August 30, 2022**, plaintiff shall either pay the full filing fee of \$402 or submit a motion to proceed in forma pauperis on the Court-provided form. If plaintiff files a motion to proceed in forma pauperis, he must also submit a certified copy of his inmate account statement for the six-month period immediately preceding the filing of the complaint.

IT IS FURTHER ORDERED that plaintiff's failure to timely fully and comply with this Order will result in the dismissal of this action, without prejudice and without further notice.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

Dated this 9th day of August, 2022.